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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/906,995	07/17/2001	Haruhiko Kinoshita	NECW 18.854	6474

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EXAMINER

GARG, YOGESH C

ART UNIT PAPER NUMBER

3625

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/906,995	Applicant(s) KINOSHITA, HARUHIKO	
	Examiner Yogesh C. Garg	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 7 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on 12/12/2005 is acknowledged and entered. The applicant has amended claims 1-3 and 5-8. Currently claims 1-3 and 5-8 are pending for examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-3 and 5-8 have been considered but are moot in view of the new ground(s) of rejection in view of the Prior art references provided in IDS received on 1/14/2004 and 5/20/2004.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3 and 5-8 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with intended use.

Claims 1-3 and 5-6 are system claims which should be directed to the structural

elements and See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

Similarly method claims 7-8 should be directed to manipulative process steps but they are generally narrative and replete with intended use.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4.1. Claims 1-3, 5, and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Betting on a quick, decisive battle in the scramble for mileage program members: ANA'S CTI Internet-ready system", Computopia, Japan, Computer Age Co., Ltd., August 1, 1997, Vol. 32, No. 371, pages 56-57; received in IDS on 5/20/2004, hereinafter referred to Computerage, in view of Brower, Helen; " Business Travel-corporate plans; JAL develops bonus program that companies bank on"; Travel Weekly; v44, p64 (3); March 31, 1985; extracted from Dialog hereinafter referred to Brower, in view of Unexamined patent 119-34962 (1997) received on 5/20/2004, in view of Unexamined patent H1 1-353359 (1999) received on 5/20/2004.

Regarding claim 1, Computerage teaches a computerized system and process for keeping track of accumulated mileage from the point of boarding . Computerage discloses:

A boarding reservation terminal having means for accepting a boarding reservation/information and means for transmitting boarding reservation/acceptance information to information database device, said boarder information data device includes a database and means for receiving information from boarding reservation terminal, means for asking said mileage information database device for customer attributes with respect to at least the mileage service of a boarding customer based on said boarding reservation information, means for recording said boarding reservation information and said customer attributes in combination, means for returning said boarding reservation information and said customer attributes in combination to said boarding reservation terminal, means for receiving said boarding acceptance information transmitted from said boarding acceptance terminal, means for storing said boarding acceptance information to said mileage information database device (see page 1, “....And just by inserting one's credit card into a ticket vending machine at the airport, the reservation information is verified and a boarding pass is issued....”, see page 2, paragraphs “ With CTI, which was inaugurated on July 1,.....The mileage system is tied online with Loa Angeles and London for 24 hours.....It was made to be a system that can offer quick response with SMP servers and CTI, and that can further improve its services in the future”. It is obvious that the mileage system includes the claimed boarder information database device and mileage information database device and has the means to communicate with the boarding acceptance terminal to receive and transmit relevant information concerning the customer,

his boarding information, etc. It is also obvious that the mileage system disclosed in Computerage stores mileage information and customer information in a database so that it can provide accumulated mileage information to customers on demand.).

Computerage does not disclose that it includes a corporation vs. individual information database device to store corporate mileage and personal mileage identification numbers of employees and stores information for corporation and the employee separately and means to indicate if the boarding customer is employee of the registered corporation and means for subtracting, that is removing the miles from the customer's account to the corporation's account . However, in the same field of endeavor, Brower discloses keeping separate identification and accounts for mileages accrued by the corporation and the employee. Unexamined patent 119-34962 also discloses method and system for tracking and storing the traveling expenses related to business and personal separately. Therefore, in view of Brower and Unexamined patent 119-34962, it would be obvious to one of an ordinary skilled in the art to modify Computerage to have separate accounts for corporation and the employee and to track the mileages accrued separately for the corporation and the employee enabling the corporations to use the accrued mileage from their employees travels on office work and keeping it separate from the employees accrued mileage from their personal travels.

Unexamined patent H1 1-353359 further discloses a system and method for moving certain data/attributes/expenses/numbers from one account to another account and therefore in view of the disclosure of Unexamined patent H1 1-353359 it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have

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modified the combined teachings of Computerage/Brower/ Unexamined patent 119-34962 to move the mileage data from the employee's account obtained at the time of the boarding to the corporation's account when the employee is traveling on business so that instead of the employee the corporation gets the benefit , the objective already indicated in Brower, that is the corporation should get the accrued miles when the employee is traveling on business account and Unexamined patent 119-34962 which emphasizes to separate and record the transactions belonging to employee and corporation.

Regarding claim 2, the limitations are closely parallel to the limitations covered in claim 1 and is therefore analyzed and rejected on the same basis. As regards means for accepting usage of mileage related service or payment of a consideration to use the vehicle covered by the mileage service is well-known in the art, that is if one has to travel by air he is required to pay or use his frequent flier miles. Therefore, claim 2 is unpatentable over Computerage/ Brower/Unexamined patent 119-34962 /Unexamined patent H1 1-353359.

Regarding claim 3, the limitation of assigning identification numbers to the corporation and the employee separately is already covered and disclosed in the reference Brower and the steps of transmitting information and determining if the transaction, that is mileage to be accrued, belongs to the corporation or employee that is depending upon if the employee is traveling on business work or for personal purpose

is already covered in claim 1. Therefore, claim 3 is unpatentable over Computerage/ Brower/Unexamined patent 119-34962 /Unexamined patent H1 1-353359.

Regarding claims 5 and 7-8, their limitations are closely parallel to the limitations covered in claims 1-3 and are therefore analyzed and rejected as being unpatentable over Computerage/ Brower/Unexamined patent 119-34962 /Unexamined patent H1 1-353359.

4.2. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Computerage/ Brower/Unexamined patent 119-34962 /Unexamined patent H1 1-353359 and further in view of Unexamined patent 2000-132609.

Regarding claim 6, all the limitations, except for the working information database device are already covered in claims 1-3 above. Regarding working information database device, the Unexamined patent 2000-132609 discloses a system and method for storing membership information [membership database 82 corresponds to working information database device] which can provide information about the members/employees on demand. In view of the Unexamined patent 2000-132609, it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to include the feature of storing member information to extract member information and individual attributes to decide if that employee/member can avail of certain corporation/membership benefits or not. Therefore claim 6 is unpatentable over

Computerage/ Brower/Unexamined patent 119-34962 /Unexamined patent H1 1-353359 and further in view of Unexamined patent 2000-132609.


Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knight-Ridder Newspapers Press release; " Firms shown way to tap frequent-flier bonanza; Chicago Tribune; Chicago, ILL; July 31, 1988; extracted from Proquest database on 2/13/2006 on Internet discloses that the companies want to use the frequent flier miles accrued by their employees when flying on business and a Frequent Flyer Services would put into its computerized database information related to the frequent flier miles accrued by the employees and would transmit this information for each employee to the company (see page 2 of the article)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
2/14/2006